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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,222	11/13/2003	Paul J. Guiguizian	86293DAN	8467
7590	04/19/2005		EXAMINER FRANKLIN, JAMARA ALZAIDA	
Milton S. Sales Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 04/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,222

Applicant(s)

GUIGUIZIAN ET AL.

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities:

in claim 12, line 1, substitute "A method" with --An imaging apparatus--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Itoh et al. (US 5,760,384) (hereinafter referred to as 'Itoh').

Itoh teaches an imaging apparatus and method of detecting indicia on media, wherein the indicia contains near infrared absorbing dye comprising:

a media path for the passage of media therethrough (see figure 3);

at least one light source (ray emitter 30) adapted to direct at least one beam of light onto indicia (code storage portion 13) on media (information storage medium 11) in said media path, wherein said at least one light source is adapted to direct a first beam of light at a first wavelength (λ_0), said first wavelength being within an absorption band to detect added dye in said indicia, said at least one light source being further adapted to direct a second beam of light

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at a second wavelength (λ_1) which is outside of said absorption band (see figure 2 and col. 4, lines 47-64);

a detecting system (first ray receiver 31 and second ray receiver 32) adapted to detect a first reflected light from said first beam and provide a first signal (first signal 31a) indicative thereof, and a second reflected light from said second beam and provide a second signal (second signal 32a) indicative thereof (col. 5, lines 13-30); and

a controller (comparing means 33) adapted to receive said first and second signals and calculate a difference between said first and second signals, such that said difference represents dye on said indicia (col. 5, line 66-col. 6, line 7);

the apparatus and method wherein said indicia is a backside logo on the media;

the apparatus and method wherein said media is photographic paper (col. 8, line 65-col. 9, line 2);

the apparatus and method wherein said media is a web or a cut sheet (see figure 3);

the method wherein said first and second illuminating steps occur at the same location on the media (col. 5, lines 9-11);

the method wherein said first and second illuminating steps comprises directing light from at least one light source toward the indicia on the media; and

the method wherein prior to said first step of illuminating the indicia, the method comprises adding infrared dye to the indicia to increase an amount of infrared dye in the indicia to a value where a contrast of the infrared dye exceeds a contrast of the indicia (col. 7, lines 16-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh in view of Stephany (US 5,331,140).

Itoh lacks the teaching of a light emitting diode.

Stephany teaches an apparatus and method of detecting indicia on media comprising:
at least one light source (radiation sources 30) wherein said at least one light source is a light emitting diode (col. 6, lines 17-22).

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One of ordinary skill in the art would have readily recognized that providing the Itoh invention was at least one light emitting diode would have been beneficial for providing light in a cost-efficient manner since the cost of manufacturing and using a light emitting diode is minor. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Itoh with the aforementioned light emitting diode as taught by Stephany to help reduce the cost of manufacturing and using the Itoh invention.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laser (US 5,773,808) teaches a method and apparatus for reading invisible messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamara A. Franklin
Examiner
Art Unit 2876

JAF
April 14, 2005



DIANE I. LEE
PRIMARY EXAMINER